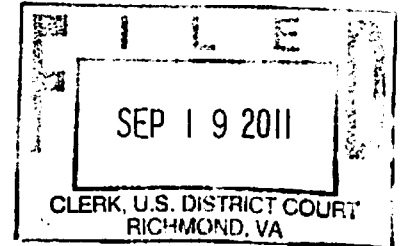
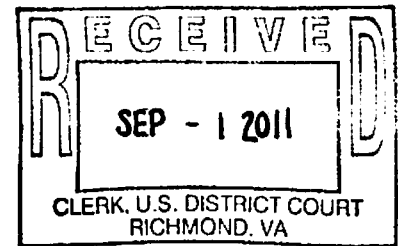


WILLIAM E. BENSTON, JR.  
*Redacted*  
UPPER MARLBORO, MD. *Redacted*  
TELEPHONE: *Redacted*

August 25, 2011

Clerk of the Court  
United States District Court  
701 East Broad Street  
Richmond, VA 23219

RE: Ryals v. HireRight Solutions, Inc.  
Civil Action No. 3:09cv625



I respectfully object to being certified by the Court to the Settlement Class 1681-k and request that I be reassigned to Settlement Class 1681 i. Each time I applied for a job (2004-2011) I was completely unaware that each prospective employer was supplied with an erroneous DAC Employment History File supplied by HireRight Solutions. I was employed three weeks (July – August 2004) by Schneider National Carrier and resigned. HireRight Solutions' policy of deliberately not notifying me for seven years that they were sending erroneous and negative information to multiple employers about my work and driving record was unconscionable especially after I proved that errors had been made in nine categories. The case facts of this lawsuit accurately describe the willful violations of the FCRA that caused me to be unemployable. HireRight Solutions:

- 1) Failed to provide me with notice that they were furnishing an employment-purposed consumer report including my driving record wherein both were erroneous (2004-2011). When I proved that both reports were in error HireRight Solutions maintained the employers position and continued to send out the wrong information.
- 2) Failed to follow proper procedures for providing me with information about who the employer was, how to contact them and the procedure to initiate an investigation to have errors corrected or deleted. In January 2011 Fundamental Labor Strategies, Inc New Hope, Pa. wanted to hire me but the DAC report submitted by HireRight Solutions of course contained the negative information that said I was a "no show". Mr. Day read what the DAC report and said I see where they made mistakes on your driving record; still you must get the "no show" deleted before I can hire you. He sent me a copy of the DAC report and I tried to have corrections made. Although I proved the information on the DAC report was wrong, Schneider National Carrier and HireRight Solutions still refused to delete the erroneous information.
- 3) Failed to help me resolve my dispute with Schneider National Carrier but offered to include a 100 word rebuttal that would follow the error filled DAC Report. For example, please look at Exhibit #1 under the heading Accident/Incident Record at the bottom of the page. It reads that I had no DOT Recordable accidents or incidents...Zero. The preceding paragraph said equipment was involved in an occurrence or act that produced unintended injury, death, property damage or resulted in equipment being towed. My response to Schneider National Carrier was to ask them for proof. i.e., a police report, towing receipt or U.S. Govt. receipt of a urinalysis that is required by Federal DOT Regulations ( whenever there is an accident involving a tractor-trailer wherein someone goes to the hospital or a vehicle requires towing the driver must take a urinalysis). Schneider National Carrier couldn't produce any receipts or explain away any of the nine errors I said they made on my DAC report, produce any record of a police report being made concerning me being involved in an accident, or I received a citation. Schneider

still refused to change, amend or make any deletions to the DAC Report that HireRight Solutions was circulating to prospective employers. When I asked for the name of the manager and phone number to the Gordonsville, VA facility, I was given the name Bryan Bowerman of Winterville, Ohio whom knew nothing about a facility in VA. I was told the report would be deleted after seven years in August 2011. HireRight Solutions' response was equally frustrating and simply said I had to clear up my problem before they would change my DAC report.

Prospective employers who never contacted me after I submitted an application:

- 1) Smith Transportation, Inc.
- 2) Cowan Systems
- 3) Heartland Express
- 4) Fed Ex Critical
- 5) Darrell Andrews Trucking, Inc.
- 6) Fundamental Labor Strategies, Inc.

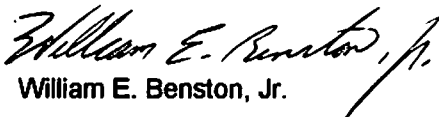
Enclosed are the following Exhibits

- 1) DAC HireRight Solutions Employment History (Exhibit 1)
- 2) HireRight Solutions Appeal Case #04226857 (Exhibit 2)
- 3) Dispute Summary and fax (two pages, Exhibit 3)
- 4) Personal Information Appeal (Exhibit 4)
- 5) Notification of Investigation Results (Exhibit 5)

At the bottom of Exhibit 1 (end of the report) written by me are my efforts to speak with Donna on 3-1-11 at Schneider National Carrier Employment Verification office. I attempted to get my drivers number so I could get my employment record. I was not successful.

I am currently in a Settlement Class 1681-k. I ask the Court to assign me to Settlement Class 1681-i as I have requested. I have filled out and included the required claim forms. Thank you for your efforts to correct this situation.

Sincerely,

  
William E. Benston, Jr.

Enclosures

# Exhibit # 1

## DAC Employment History File (Per Report)

Customer: Fundamental Labor Strategies Inc (186682)  
Actor: Curley Day (134033Curley)

### EMPLOYMENT HISTORY #1

Search using BENSTON,W, Redacted 4371

EMPLOYMENT RECORD 01/10/2011 08:21:33 4300516771

Driver: BENSTON,W SSN: Redacted 4371 DOB: None on file

Contributed By: Schneider National Carri  
911 Glory Rd  
P O Box 2545  
Green Bay, WI 54306  
Phone: (800) 558-6767

Original data received by DAC on 08/31/2004

Period of Service:  
ELIGIBLE FOR REHIRE:  
REASON FOR LEAVING:  
STATUS:  
DRIVER'S EXPERIENCE:  
EQUIPMENT OPERATED:  
LOADS HAULED:  
WORK RECORD:

Redacted

### Accident/Incident Record

Redacted

Number of DOT Recordable accidents less than 7 years old: 0

Number of Non DOT Recordable Accidents/Incidents less than 7 years old: 0

No additional accident/incident information available.

[ END OF REPORT ]

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 HireRight. com

DOANA 3-1-11  
DR. BUS. BOWERMAN  
740-765-5840  
420-592-3803

\* - codes within SA - an  
\* - not operation scope  
\* - ERM code used in  
Schneider System  
BRYAN BOWERMAN  
JERICHOVILLE, OH.  
5923803

Exhibit #2

.HireRight.

Thank you for requesting our assistance. Your dispute has been resolved.  
We have your dispute resolved by mediation with the mediation process completed.  
Representative mediation is a type of mediation that is used to resolve disputes.  
Case# 04226857 has been resolved by mediation.  
Please click on the button to request mediation.  
Please click on the button to request mediation.  
Please click on the button to request mediation.

Please do not use the button to request mediation.  
**Customer Service (Monday through Friday 7am to 7pm Central Time)**  
Toll-free 1-800-368-7666 (toll-free 1-800-368-7666)  
Email: 1-800-368-7666 (toll-free 1-800-368-7666)  
HireRight.com

Copyright © 2007-2009 HireRight, Inc. All Rights Reserved.

*Exhibit #3*

WILLIAM E. BENSTON, JR.

Redacted

UPPER MARLBORO, MD

Redacted

Telephone:

Redacted

## FAX

To: HireRight

From: William E. Benston, Jr.

Fax No.: 918-384-6042

Pages (including cover): 1

Date: March 1, 2011

Re: Case No. 04226857

☐ Urgent   ☐ For Review   ☐ Please Comment   ☐ Please Reply   ☐ Please Recycle

• Comments:

Schneider has incorrect information associated with my social security number. Disputed: I was local driver; not long haul. I resigned position. I drove reefers; not van. I did not haul general commodity; I hauled refrigerated/frozen goods. I was never a no show; I lived on site at terminal 24/7 monitoring CB radio to be called for loads. I never had an accident, incident, occurrence, tow, injured anyone, got a ticket or was required to take urine analysis while with Schneider. My DOT record is correct and shows zero recordable/non-recordable accidents or incidents.

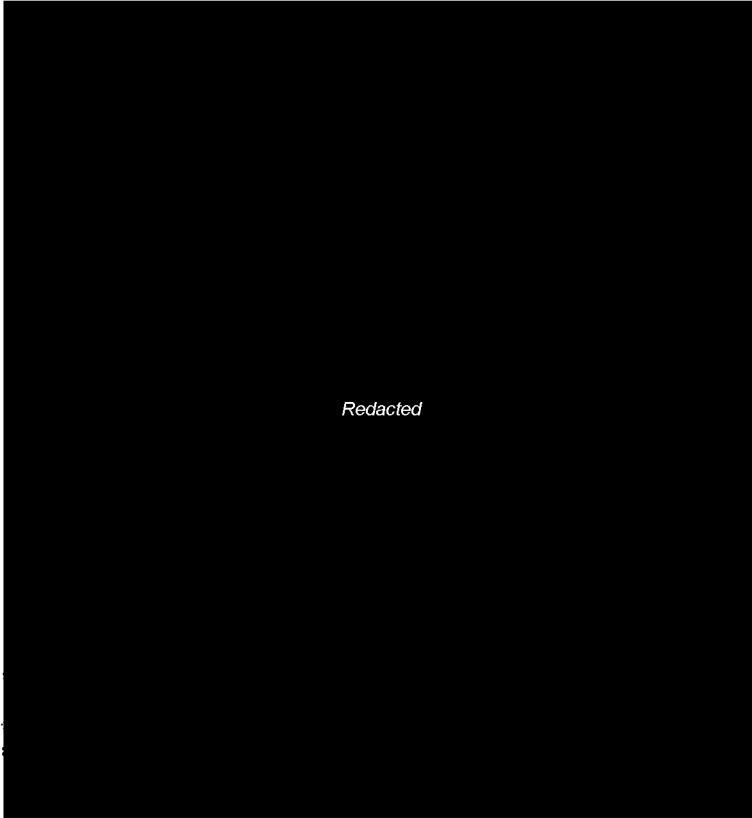
This fax and any files transmitted with it may contain privileged or confidential information. Use, disclosure, copying or distribution of this message by anyone other than the intended recipient is strictly prohibited. If you have received this fax in error please notify the sender by phone and destroy all copies of this message in your possession, custody or control.

*Exhibit #3*

DAC Employment Dispute Summary

*Case #*

*0422-6857*



Redacted

Additional Comments

If you have supporting documentation you wish to submit, please send them to:  
**HireRight**  
P.O. Box 20151  
Tulsa, OK 74150  
Email: [hr@hireright.com](mailto:hr@hireright.com)

**Submit Que**

Please do not use the HireRight website to post any disparaging comments.

**Customer Service (Monday through Friday 7am to 7pm Central Time)**

by 10:00 AM Central Time on the next business day.

For more information, please visit [www.hireright.com](http://www.hireright.com).

© 2009 HireRight Inc.

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Exhibit #4

HireRight.

Redacted

Personal Information Summary

Redacted

Exhibit #5



February 11, 2011

William E Benston Jr. 04226857

Redacted  
Upper Marlboro, MD Redacted

Dear William E Benston Jr.,

This letter and the attached report is in reference to information that you disputed on 01/21/2011

HireRight has completed its investigation. A revised copy of your background report is enclosed along with a copy of the FCRA issued "Consumer Summary of Rights". HireRight has amended its report to reflect the following:

**Schneider National Carriers has responded to your dispute stating that no changes will be made to the disputed information.**

If requested, HireRight will provide you with a description of the procedures used in the investigation along with the name, address and telephone number (if reasonably available) of anyone we contacted for information related to this dispute investigation.

Please be informed that if you believe that the results of this investigation did not satisfactorily resolve your dispute, you may add a statement of not more than 100 words to your report. In the event that the disputed information is related to your credit report, HireRight will forward your statement to the applicable credit bureau for them to include with your credit report.

If this investigation resulted in a deletion of information from your background report or if you have requested to add a statement to your background report concerning this dispute, you can request that HireRight send notification of the deleted information or statement provided to any person/entity designated by you that has received a consumer report on you within the last two years for employment purposes, or within the last six months for any other purpose. In the event that the deleted information or dispute statement is related to your credit report, HireRight will forward this information to the applicable credit bureau for them to provide such notice as described above.

We appreciate your cooperation with HireRight's dispute process. Please feel free to contact the Consumer Consulting Department at 800-381-0645 if we may be of further assistance.

Sincerely,

Consumer Consulting Department

Enclosure

**Ryals v. HireRight Solutions, Inc. Settlement Administrator**  
 Post Office Box 4109  
 Portland, OR 97208-4109

## Claim Form

**Ryals v. HireRight Solutions, Inc.**  
 3:09cv625 (E.D. Va.)



Your Unique Claim Number: #####

First Name M.I. Last Name  
 Street Address 1  
 Street Address 2  
 City, ST Zip Code

- If the Court approves the settlement and you do nothing, a check in the approximate amount of \$134.00 will automatically be mailed to you. If you instead submit this claim form for your actual damages and the claim is determined to be valid, you will receive a cash payment for your damages. The amount of the cash payment will be determined as described in Section 8.7.2 of the Settlement Agreement.
- The claim form must include some "proof" that you actually incurred damage or harm from an inaccurate DAC, USIS Commercial Services or HireRight Solutions consumer report. You do not need to prove the amount of your injury, only that it occurred. Completing and signing this form is an acceptable way to provide "proof" that you incurred damage or harm.
- Claims may be filed by deceased Actual Damages Claims Settlement Class Members through representatives of their estates. If you are submitting a claim on behalf of a deceased Settlement Class Member, you must submit appropriate documentation with this claim form demonstrating that you are duly authorized to do so.
- The deadline to submit a claim is 14 days following Final Approval. This deadline will be no earlier than November 17, 2011. The actual claim deadline will be posted when it becomes known at [www.DACClassAction.com](http://www.DACClassAction.com).

### Section I: Your Personal Information

First Name William MI E. Last Name BENSTON, JR.  
 Mailing Address [Redacted]  
 City UPPER MARLBORO State MD Zip Code [Redacted]

### Section II: Additional Information

Social Security Number (required) [Redacted] 4371 Date of Birth (required) [Redacted] 1949 Telephone Number (required) [Redacted]  
 Email Address (optional) [Redacted]

### Section III: Your Damages Information

I believe that I suffered actual damages from an inaccurate consumer report provided to my employer or my prospective employer by DAC, USIS Commercial Services or HireRight Solutions.

Name of Employer/Prospective Employer See ATTACHMENTS / letter

As a result of the inaccurate consumer report (check all that apply):

- ☒ My employment application was denied (I did not get the job).  
☐ I was terminated by my employer (I was fired).  
☐ I was unable to obtain a security clearance or had such clearance delayed.  
☐ I received the job or was not fired, but was required to explain the inaccurate consumer report or take other steps and/or suffered other harm from the inaccuracy.

*Please continue on reverse side.*

Questions? Call 1-877-854-4675 or visit [www.DACClassAction.com](http://www.DACClassAction.com)

### Section III: Your Damages Information (continued)

You must select one of the following two options.

A. I have included a letter or other document with this claim form from the employer listed above stating that I was fired, not hired or suffered some other adverse employment action. OR

B. The following is my written explanation of the damages I suffered from the inaccurate consumer report provided to my employer or prospective employer by DAC, USIS Commercial Services or HireRight Solutions. This written explanation must be sufficient for the Settlement Administrator to confirm your claim.

*Please See Exhibits and Attachments*

(Attach additional pages as needed.)

### Section IV: Signature

My signature below certifies that to the best of my knowledge the information I have provided is truthful and correct.

Signature: *William E. Beniton Jr.*

Date: *Aug 26, 2011*

### Submitting Your Claim

Claim Forms must be mailed to:

X *Ryals v HireRight Solutions* Settlement Administrator  
P.O. Box 4109  
Portland, OR 97208-4109

You may also submit your claim online at [www.DACClassAction.com](http://www.DACClassAction.com).

U.S. POSTAGE  
PAID  
UPPER MERLBORO, MD  
20774  
AUG 27, 11  
AMOUNT  
\$1.15  
00041668-19

1000

UNITED STATES  
POSTAL SERVICE

PS Form 3817, April 2007 PSN 7530-02-000-9065

To: Ryals V. HineRight Solutions Civil Action #  
Ryals V. HineRight Solutions  
Settlement Administration  
P.O. Box 4109  
Portland, OR 97208-4109

From: William E. Benson, Jr.  
Upper Merlboro, MD  
Redacted  
Redacted

Certificate of Mailing  
This Certificate of Mailing provides evidence that this mail has been presented to USPS for mailing.  
This form may be used for domestic and international mail.

UNITED STATES  
POSTAL SERVICE

U.S. POSTAGE  
PAID  
UPPER MERLBORO, MD  
20774  
AUG 27, 11  
AMOUNT  
\$1.15  
00041668-19

1000

UNITED STATES  
POSTAL SERVICE

PS Form 3817, April 2007 PSN 7530-02-000-9065

To: Class Counsel Leonard A. Bennett  
Consumer Litigation Associates, P.C.  
12515 Warwick Blvd. Suite 100  
Newport News, VA 23606

From: William E. Benson, Jr.  
Upper Merlboro, MD  
Redacted  
Redacted

Certificate of Mailing  
This Certificate of Mailing provides evidence that this mail has been presented to USPS for mailing.  
This form may be used for domestic and international mail.

UNITED STATES  
POSTAL SERVICE

U.S. POSTAGE  
PAID  
UPPER MERLBORO, MD  
20774  
AUG 27, 11  
AMOUNT  
\$1.15  
00041668-19

1000

UNITED STATES  
POSTAL SERVICE

PS Form 3817, April 2007 PSN 7530-02-000-9065

To: Defense Counsel Daniel Butswinkas  
William & Connolly, LLP  
725 13th Street, N.W.  
Wash, DC 20005

From: William E. Benson  
Upper Merlboro, MD  
Redacted  
Redacted

Certificate of Mailing  
This Certificate of Mailing provides evidence that this mail has been presented to USPS for mailing.  
This form may be used for domestic and international mail.

UNITED STATES  
POSTAL SERVICE